

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TRAVIS HARDEN,

Plaintiff,  
v.

Civil Action No. 19-11753  
Honorable Denise Page Hood

CROSS, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [#55]  
TO GRANT MDOC DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT [ECF No. 20] and DENYING PLAINTIFF'S  
MOTION FOR EMERGENCY INJUNCTION [ECF No. 52]**

**I. INTRODUCTION**

*Pro se* Plaintiff filed this 42 U.S.C. § 1983 lawsuit against multiple defendants, alleging violations of his First and Fourteenth Amendment rights. This matter comes before the Court on Magistrate Judge David R. Grand's Report and Recommendation dated July 10, 2020 [ECF No. 55] related to: (a) the Motion for Summary Judgment filed by Defendants Mark Cross, Greg Gordon, Joel Salinas, Karen Horton, Kevin Tolsma, Aron Koszegi, and Alfred Taylor (the "MDOC Defendants"); and (b) Plaintiff's Motion for an Emergency Injunction. In the Report and Recommendation, the Magistrate Judge recommends that the Court grant the MDOC Defendants' Motion for Summary Judgment. Plaintiff has filed objections to the Report and

Recommendation.

## **II. ANALYSIS**

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Court has reviewed Plaintiff's two objections to the Report and Recommendation and comes to the following conclusions. As Plaintiff has identified two objections but analyzed them together, the Court will do the same. The two objections are: (1) the hearing officer did not resolve the disputed issue of fact; and (2) Plaintiff did not have an adequate opportunity to litigate the factual dispute.

Plaintiff's objections, even if true, do not change the analysis or conclusion of the Magistrate Judge – or this Court. The basis for granting summary judgment to the MDOC Defendants is that Plaintiff failed to exhaust his administrative remedies. The objections (issues) that Plaintiff raises in his Objections to the Report and Recommendation address the merits of the actions taken by the hearing officer, but this Court cannot reach those issues because Plaintiff failed to exhaust his administrative remedies. The Court notes that: (a) Plaintiff has not challenged or objected to the Magistrate Judge's conclusion in the Report and Recommendation that Plaintiff failed to exhaust his administrative remedies, which is the basis for dismissing his cause of action; and (b) the Court previously concluded that Plaintiff failed to exhaust his administrative remedies. *See* ECF No. 75.

For the reasons stated, the Court denies Plaintiff's objections to the Report and Recommendation.

### **III. CONCLUSION**

Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety.

For the reasons stated above,

**IT IS ORDERED** that the Report and Recommendation dated September 15, 2020 [ECF No. 55] is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that the objections to the September 15, 2020 Report and Recommendation filed by Plaintiff [ECF No. 63, filed November 20, 2021] are **DENIED**.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment filed by the MDOC Defendants [ECF No. 20, filed February 24, 2020] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for an Emergency Injunction [ECF No. 52] is **DENIED**.

**IT IS ORDERED.**

DATED: October 28, 2022

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

